

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
 Plaintiff,)
 v.)
)
ANGELO MARTIGNETTI,)
 Defendant.)

Criminal No. 05-10131-JLT

FINAL ORDER OF FORFEITURE AND MONEY JUDGMENT

TAURO, D.J.;

WHEREAS, on or about May 26, 2005, a federal grand jury sitting in the District of Massachusetts returned a Twenty-Count Indictment charging Angelo Martignetti, Jr. ("the Defendant"), with Embezzlement by a Bank Employee, in violation of 18 U.S.C. §656, (Counts One through Twenty);

AND WHEREAS, the Indictment also contained a Criminal Forfeiture Allegation, seeking the forfeiture, pursuant to 18 U.S.C. §981(a)(1)(C) and 28 U.S.C. §2461(c), of any property, real or personal, which constitutes or is derived from proceeds traceable to such violations of 18 U.S.C. §656, including, but not limited to, \$263,678.69¹ in U.S. Currency (the "Defendant Currency");

AND WHEREAS, on or about February 8, 2006, a Change of Plea hearing was held, whereby the Defendant, pursuant to a written plea agreement, pleaded guilty to Counts One through Twenty of the Indictment;

¹ The amount \$263,678.69 represented the approximate total amount of funds from Eastern Bank illegally obtained by the Defendant.

AND WHEREAS, in his written plea agreement the Defendant agreed he would forfeit to the United States \$34,240.27 on the grounds that these assets constituted proceeds of the Defendant's unlawful activity, to which he was pleading guilty and which are subject to forfeiture pursuant to 18 U.S.C. §981 and 28 U.S.C. §2461(c);

AND WHEREAS, by virtue of the Defendant's guilty plea, and based on his plea agreement and admissions, the United States is now entitled to forfeiture of the \$34,240.27;

AND WHEREAS, pursuant to Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, the Final Order of Forfeiture and Money Judgment must be included in the sentence pronounced and imposed by the Court at the sentencing hearing, and must be included in the criminal judgment entered by the Court against the Defendant;

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture and Money Judgment is allowed.

2. The Defendant shall forfeit to the United States \$34,240.27 in U.S. Currency (the "Forfeited Asset").

3. The Federal Bureau of Investigation shall take custody of the Forfeited Asset, and shall dispose of it according to law and this Order.

4. The Court finds, pursuant to Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, and based upon the Defendant's

admissions, guilty plea, plea agreement and the facts set forth by the United States in support of the plea, that the United States has established the requisite nexus between the Forfeited Asset and the offenses to which the Defendant pled guilty.

5. Accordingly, all of the Defendant's interest in the Forfeited Asset is hereby forfeited to the United States of America for disposition, pursuant to the provisions of 18 U.S.C. §981 and 28 U.S.C. §2461(c).

6. Pursuant to Rule 32.2(b)(1), this Order shall constitute a personal money judgment against the Defendant.

7. Pursuant to Rule 32.2(b)(3), this Order shall be included in the sentence pronounced and imposed by the Court at the sentencing hearing, and in the criminal judgment entered by this Court against the Defendant.

8. This Court shall retain jurisdiction to enforce this Order and to amend it as necessary pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

DONE AND ORDERED in Boston, Massachusetts, this 16 day of

March, 2006.


JOSEPH L. TAURO
United States District Judge